

ATTACHMENT 1

August 28, 2017

VIA CM/ECF Filing

Honorable Roy S. Payne
United States Magistrate Judge
Sam B. Hall, Jr. Federal Building and
United States Courthouse
100 East Houston Street
Marshall, TX 75670

Re: Huawei Techs Co. Ltd. v. T-Mobile US, Inc., Nos. 2:16-cv-00052, -00055, -00056, -00057

Dear Judge Payne:

Defendants T-Mobile US, Inc. and T-Mobile USA, Inc. (“T-Mobile”) and Intervenor Nokia Solutions and Networks US LLC and Nokia Solutions and Networks Oy and Telefonaktiebolaget LM Ericsson and Ericsson Inc. (collectively, “Intervenors”) file this letter in response to Huawei’s August 24, 2017 letter to the Court regarding trial scheduling in these four cases. (Dkt. 333-1, -52 case.) Since Huawei filed its letter, the Court *sua sponte* issued an order confirming jury selection for October 2, 2017, and the presentation of evidence to begin on October 10, 2017 for Case No. 2:16-cv-52. (-52 Case Doc No. 336). In the same Order, the Court reset jury selection for Case Nos. 2:16-cv-55, 2:16-cv-56, and 2:16-cv-57 for November 6, 2017.

During the August 22 hearing before Your Honor, the parties were informed that the second trial in November would be limited to eight or nine hours per side. Based on that information, T-Mobile and the Intervenor explained that the -55 case cannot be practically and appropriately tried in 8-9 hours per side, but that it could be sufficient for the -56 case given that the case only involves one patent. Nothing has changed.

In arguing that the -55 case “is in many respects more like a two patent case than a four patent case,” Huawei overlooks that the -55 case involves four sets of asserted claims, and Huawei has asserted distinct infringement theories for each set of claims. Additionally, Huawei overlooks that T-Mobile’s counterclaims also need to be tried. Furthermore, 8-9 hours per side would be impractical even for only two patents.

For these reasons, T-Mobile and the Intervenor respectfully request that the Court proceed with an October trial of the -52 as scheduled. If the Court has room for a second trial in November, T-Mobile and the intervenors respectfully submit that only the 056 case can be tried fairly in the available window. Finally, T-Mobile and the Intervenor respectfully renew their request that before scheduling a second trial, the Court order the parties to mediation following a jury verdict in the -52 case.

Respectfully submitted,

By: /s/ Mark N. Reiter

Josh A. Krevitt (New York Bar No. 2568228)
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue, 47th Floor
New York, New York 10166
Tel: (212) 351-4000
Fax: (212) 351-4035

Mark N. Reiter (Texas Bar No. 16759900)
GIBSON, DUNN & CRUTCHER LLP
2100 McKinney Avenue, Suite 1100
Dallas, Texas 75201
Tel: (214) 698-3100
Fax: (214) 571-2900

Ernest Y. Hsin (California Bar No. 201668)
GIBSON, DUNN & CRUTCHER LLP
555 Mission Street
San Francisco, CA 94105-0921
Tel: (415) 393-8224
Fax: (415) 374-8436

Stuart M. Rosenberg (California Bar No. 239926)
GIBSON, DUNN & CRUTCHER LLP
1881 Page Mill Road
Palo Alto, CA 94304-1211
Tel: (650) 849-5389
Fax: (650) 849-5089

Mark D. Selwyn
(California Bar No. 244180)
Kathryn D. Zalewski (California Bar No. 263119)
**WILMER CUTLER PICKERING
HALE AND DORR LLP**
950 Page Mill Road
Palo Alto, California 94304
Tel: (650) 858-6000

Joseph J. Mueller
(Massachusetts Bar No. 647567)
Cynthia Vreeland
(Texas Bar No. 20625150)

Massachusetts Bar No. 635143)
**WILMER CUTLER PICKERING
HALE AND DORR LLP**
60 State Street
Boston, Massachusetts 02109
Tel: (617) 526-6000

Michael E. Jones (Texas Bar No. 10929400)
Email: mikejones@potterminton.com
E. Glenn Thames, Jr. (Texas Bar No. 00785097)
Email: glennthames@potterminton.com
POTTER MINTON, PC
110 North College Ave., Suite 500
Tyler, Texas 75702
Tel: (903) 597-8311
Fax: (903) 593-0846

*Counsel for Defendants T-Mobile US,
Inc. and T-Mobile USA, Inc.*

/s/ John D. Haynes
John D. Haynes (Georgia Bar No. 340599)
Patrick J. Flinn (Georgia Bar No. 264540)
Michael C. Deane (GA Bar No. 498195)
ALSTON & BIRD LLP
1201 W. Peachtree St.
Atlanta, Georgia 30309-3424
Tel: (404) 881-7000
Fax: (404) 881-7777
Email: John.Haynes@alston.com
Email: Patrick.Flinn@alston.com
Email: Michael.Deane@alston.com

Michael J. Newton (TX Bar No. 24003844)
ALSTON & BIRD LLP
2800 N. Harwood St., Suite 1800
Dallas, Texas 75201
Telephone: (214) 922-3400
Facsimile: (214) 922-3899
Email: Mike.Newton@alston.com
Email: Derek.Neilson@alston.com

M. Scott Stevens (North Carolina Bar No. 37828)
Ross R. Barton (North Carolina Bar No. 37179)

ALSTON & BIRD LLP

Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Telephone: (704) 444-1000
Facsimile: (704) 444-1111
Email: Scott.Stevens@alston.com
Email: Ross.Barton@alston.com

Deron R. Dacus (Texas State Bar No. 790553)

THE DACUS FIRM, P.C.

821 ESE Loop 323, Suite
430 Tyler, TX 75701
Telephone: (903) 705-1117
Facsimile: (903) 581-2543

*Counsel for Intervenors Nokia Solutions
and Networks US LLC and Nokia Solutions
and Networks Oy*

/s/ Phillip B. Philbin

Phillip B. Philbin
LEAD ATTORNEY
State Bar No. 15909020
Jamie H. McDole
State Bar No. 24082049
Charles M. Jones II
State Bar No. 24054941
Michael D. Karson
State Bar No. 24090198
Matthew P. Chiarizio
State Bar No. 24087294
Tiffany M. Cooke
State Bar No. 24087340

HAYNES AND BOONE, LLP

2323 Victory Avenue
Suite 700
Dallas, Texas 75219
Tel.: (214) 651-5000
Fax: (214) 651-5940
Email: phillip.philbin@haynesboone.com
jamie.mcdole@haynesboone.com
charlie.jones@haynesboone.com
michael.karson@haynesboone.com

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matthew.chiarizio@haynesboone.com
tiffany.cooke@haynesboone.com

Jason T. Lao
California State Bar No. 288161
HAYNES AND BOONE, LLP
600 Anton Boulevard, Suite 700
Costa Mesa, California 92626
Tel.: (949) 202-3051
Fax: (949) 202-3151
Email: jason.lao@haynesboone.com

*Counsel for Intervenors
Telefonaktiebolaget LM Ericsson and
Ericsson Inc.*